

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 101

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SUBCHAPTER 1

GENERAL PROVISIONS

§16-101-1 Objective. This chapter adopted by the board of veterinary examiners, hereafter referred to as "board", is intended to clarify and implement

chapter 471, Hawaii Revised Statutes, to the end that the provisions thereunder may be best effectuated and the public interest most effectively served. [Eff 7/28/67; am and ren §16-101-1, 6/22/81; am and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-14)

§16-101-2 Definition of direct supervision. For purposes of section 471-2, HRS, and as used in this chapter, "direct supervision" means the licensed veterinarian shall be in the same immediate building or complex as the unlicensed veterinarian or other employees who are receiving the supervision, except for emergency pet ambulance services in which direct supervision may be rendered via telecommunications or two-way radio by a licensed veterinarian. [Eff 7/28/67; am and ren §16-101-2, 6/22/81; am and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-14)

SUBCHAPTER 2

APPLICATIONS FOR EXAMINATION AND LICENSE AND FOR REEXAMINATION

§16-101-3 Form and instructions. An application filed with the board shall be prepared in accord with and contain the information called for in the application form provided by the board, or any instructions which may have been issued by the board with respect to the filing of an application. The required fee must accompany the application and shall not be refunded. [Eff 7/28/67; am and ren §16-101-3, 6/22/81; comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-8)

§16-101-4 Application for examination and issuance of license. An application for examination shall be filed at least sixty days before the examination which is regularly conducted by the board twice each year and shall be accompanied by the required fees which shall not be refunded. [Eff 7/28/67; am and ren §16-101-4, 6/22/81; am and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-8)

§16-101-5 Validation of education. An applicant who is a graduate of a college of veterinary medicine accredited by the American Veterinary Medical Association (AVMA) shall submit with the application a photostat or certified

copy of the diploma or certificate of graduation from the college. [Eff 7/28/67; am and ren §16-101-5, 6/22/81; am and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-8)

§16-101-6 Validation of education of graduates of foreign colleges of veterinary medicine. An applicant who is a graduate of a foreign college of veterinary medicine, other than a college of veterinary medicine accredited by the AVMA, shall submit with the application proof of having successfully completed the requirements established by the AVMA, Educational Commission for Foreign Veterinary Graduates (ECFVG). [Eff and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-8)

§16-101-7 Validation of experience. In lieu of the requirements of sections 16-101-5 and 16-101-6, an applicant shall submit a statement signed by an official of another state attesting that the applicant has actively practiced in that state for ten out of twelve immediately preceding years, and that the license issued to the applicant in that state is currently valid. The applicant shall also submit a photostat or certified copy of the license and a copy of the law and rules currently in effect in that state. [Eff 7/28/67; am and ren §16-101-6, 6/22/81; am, ren §16-101-7, and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-8)

§16-101-8 Application for reexamination. An application for reexamination shall be filed at least sixty days before the examination date and shall be accompanied by the required fees which shall not be refunded. [Eff 7/28/67; am and ren §16-101-7, 6/22/81; am, ren §16-101-8 and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-8)

SUBCHAPTER 3

DEMAND FOR HEARING

§16-101-11 Denial of application. In the event an application for examination and issuance of a license or for the reinstatement of an expired license is denied, the board shall notify the applicant by letter of the board's action informing the applicant of the right to a hearing if so desired. [Eff 7/28/67; am and ren §16-101-11, 6/22/81; am and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-11)

§16-101-12 Demand for hearing. Any person whose application for a license, permit, or certificate or whose application for examination and issuance of a license or for reinstatement of an expired license has been denied by the board shall be entitled to a hearing after notice, provided that a demand for hearing relief pursuant to chapter 16-201, the rules of practice and procedure of the department of commerce and consumer affairs, is filed with the board within sixty days of the date of mailing of the letter informing the applicant of the denial of the application. [Eff 7/28/67; am and ren §16-101-12, 6/22/81; am and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-11, Act 181 SLH 1986)

§16-101-13 Repealed. [R 10/31/86]

SUBCHAPTER 4

EXAMINATIONS

§16-101-16 Required examination - passing score. Each applicant shall take and pass each part of an examination which shall be composed of the following three parts:

- (1) A national board examination (NBE);
- (2) A clinical competency test (CCT); and
- (3) A Hawaii state board examination which consists of those aspects of veterinary medicine common to the State of Hawaii.

A candidate shall be assessed a fee for each part of the examination required by the candidate. A grade of not less than seventy-five points (75.00) for each part of the examination shall be a passing score. [Eff 7/28/67; am and ren §16-101-16, 6/22/81; am and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-8)

§16-101-17 Repealed. [R 10/31/86]

SUBCHAPTER 5

RENEWAL OF LICENSE

§16-101-21 Renewal of license. Renewal fees paid by mail shall be considered as paid when due if the envelope bears a postmark of June 30 or earlier. [Eff 7/28/67; am and ren §16-101-21, 6/22/81; comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-9)

§16-101-22 Renewal of expired license. The holder of an expired license may have the same reinstated within three years of the date of expiration upon due application therefor and payment of all required fees. The holder of an expired license may have the same reinstated after three years from the date of expiration upon due application therefor and payment of all required fees, provided, the applicant can establish to the satisfaction of the board that the applicant is qualified to practice. [Eff 7/28/67; am and ren §16-101-22, 6/22/81; am and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-9)

SUBCHAPTER 6

DISPLAY OF LICENSE, NOTICE OF CHANGE OF ADDRESS OR EMPLOYMENT OF UNLICENSED VETERINARIAN

§16-101-25 Display of license. The license, together with evidence of current validation, shall be conspicuously displayed in the place of business and evidence of current validation shall be in possession of the person to whom it was issued at all times. [Eff 7/28/67; am and ren §16-101-25, 6/22/81; comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-9)

§16-101-26 Filing addresses. Each licensee shall file the licensee's mailing address with the board and shall immediately notify the board in writing of any and all changes. [Eff 7/28/67; am and ren §16-101-26, 6/22/81; am and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-9)

§16-101-27 Requirement to give notice. All licensed veterinarians shall notify the board by letter giving the name and qualifications of any graduates of AVMA accredited colleges, foreign colleges of veterinary medicine, or persons licensed as veterinarians in other jurisdictions, other than temporary permittees, who are working under their direct supervision. Notification shall be given within

two weeks of employment. [Eff and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-2)

SUBCHAPTER 7

TEMPORARY PERMITS

§16-101-29 Repealed. [R 10/31/86]

§16-101-29.1 Eligibility. Temporary permits shall be granted only to the following applicants:

- (1) Graduates of United States or foreign colleges of veterinary medicine which have been accredited by the AVMA, who have been accepted for the first Hawaii State board examination for which they are eligible and have submitted:
 - (A) An application prescribed by the board and accompanied by the required fees; and
 - (B) Verification of successful completion of the NBE and CCT; and
 - (C) Verification of employment under a veterinarian licensed to practice in Hawaii under whose supervision the temporary permittee will be employed; or
- (2) Graduates of foreign colleges of veterinary medicine who have been accepted for the first Hawaii state board examination for which they are eligible and have submitted:
 - (A) An application prescribed by the board and accompanied by the required fees; and
 - (B) Verification of successful completion of requirements established by the AVMA - ECFVG; and
 - (C) Verification of successful completion of the NBE and CCT; and
 - (D) Verification of employment under a veterinarian licensed to practice in Hawaii under whose supervision the temporary permittee will be employed; or
- (3) Veterinarians licensed by another state board of veterinary medicine, who have filed for the first Hawaii state board examination for which they are eligible and have submitted:
 - (A) An application prescribed by the board and accompanied by the required fees; and

- (B) Satisfactory evidence of a current license in another state; and
- (C) Evidence of applying for the next scheduled NBE and CCT examinations as applicable; and
- (D) Verification of employment under a veterinarian licensed to practice in Hawaii under whose supervision the temporary permittee will be employed. [Eff and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-2)

§16-101-30 Conditions. The temporary permit shall be issued subject to the following conditions:

- (1) The temporary permittee shall practice veterinary medicine only under the supervision of a veterinarian licensed to practice in Hawaii. At all times when the temporary permittee is engaged in the practice of veterinarian medicine, the licensed veterinarian shall be physically present on the same island as the temporary permittee and must be available on a daily basis for consultation with the permittee;
- (2) Only one permit, which shall be nonrenewable, shall be issued to an applicant;
- (3) The temporary permit shall be valid until the results of the Hawaii state board examination taken by the permittee are known; provided, however, that failure of the NBE or CCT by a veterinarian licensed by another state board, shall immediately terminate the temporary permit; and
- (4) In any event, no permit shall be valid for longer than eleven months, unless it is extended because of cancellation or postponement of an examination by the board. [Eff and comp 10/31/86] (Auth: HRS §471-14) (Imp: HRS §471-2)

SUBCHAPTER 8

PROFESSIONAL CORPORATIONS

§16-101-31 Approval of name. All names of professional corporations, including fictitious names, shall be approved by the board. [Eff 4/4/70; am and ren §16-101-31, 6/22/81; am and comp 10/31/86] (Auth: HRS §§416-144, 416-150, 416-151) (Imp: HRS §416-149)

§16-101-32 Restricted to licensee. The name of a professional corporation at the time of application, shall not contain the name of a person who is not licensed by the board. It is not required that the name of a corporation be changed as a result of the termination of association of a licensed person by death or otherwise. [Eff 4/4/70; am and ren §16-101-32, 6/22/81; comp 10/31/86] (Auth: HRS §416-144) (Imp: HRS §416-151)

§16-101-33 Report of change. A professional corporation within thirty days, shall report to the board in writing any change in directors, officers, employees performing professional services, and share ownership, and amendments to its articles of association and by-laws. [Eff 4/4/70; am and ren §16-101-33, 6/22/81; am and comp 10/31/86] (Auth: HRS §§416-144, 416-151) (Imp: HRS §416-147)

§16-101-34 Annual report. On or before December 31 of each year, every professional corporation shall file an annual report, in a form provided by the board, giving the name and address of the corporation, the names and addresses of the corporation officers, directors, shareholders, and employees who will render professional services. [Eff 4/4/70; am and ren §16-101-34, 6/22/81; comp 10/31/86] (Auth: HRS §§416-144, 416-150, 416-151) (Imp: HRS §416-147)

§16-101-35 Application form. Application for license by a professional corporation shall be filed in a form as provided for by the board. If the corporation is duly organized and existing pursuant to chapter 416, HRS, and from the application it appears that the requirements for registration have been met, the board shall issue, upon payment of the registration fee, a certificate of registration. [Eff 4/4/70; am and ren §16-101-35, 6/22/81; am and comp 10/31/86] (Auth: HRS §§416-150, 416-151) (Imp: HRS §416-151)

§16-101-36 Repealed. [R 10/31/86]

§16-101-37 By-laws. The by-laws of a professional corporation shall include a provision whereby the capital stock of the corporation owned by a disqualified person, or a deceased person, shall be sold to the corporation or the remaining shareholders of the corporation within the time provided in section 416-147, HRS. [Eff 4/4/70; am and ren §16-101-37, 6/22/81; comp 10/31/86] (Auth: HRS §§416-144, 416-150, 416-151) (Imp: HRS §416-147)

§16-101-38 Liability insurance. A professional corporation, as a condition of obtaining a certificate pursuant to chapter 416, HRS, shall provide a \$100,000/\$300,000 professional liability insurance for claims against it by its patients or clients arising out of the rendering of professional services. [Eff 4/4/70; am and ren §16-101-38, 6/22/81; comp 10/31/86] (Auth: HRS §§416-144, 416-150, 416-151) (Imp: HRS §416-153)

SUBCHAPTER 9

PRACTICE AND PROCEDURE

§16-101-42 Administrative practice and procedure. The rules of practice and procedure for veterinarians shall be as provided in chapter 16-201, the rules of practice and procedure of the department of commerce and consumer affairs which are incorporated by reference and made a part of this chapter. [Eff and comp 10/31/86] (Auth: HRS §§91-1, 471-14) (Imp: HRS §§91-2, 471-11)

SUBCHAPTER 10

ORAL TESTIMONY

§16-101-43 Oral testimony. (a) The board shall accept oral testimony on any item which is on the board's agenda, provided that the testimony shall be subject to the following conditions:

- (1) Each person seeking to present oral testimony shall so notify the board not later than forty-eight hours prior to the meeting, and at that time shall state the item on which testimony is to be presented;
- (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;

- (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;
 - (4) Persons presenting oral testimony shall identify themselves and the organization, if any, that they represent at the beginning of the testimony;
 - (5) The board may limit oral testimony to a specified time period but in no case shall the period be less than five minutes, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
 - (6) The board may refuse to hear any testimony which is irrelevant, immaterial, or unduly repetitious to the agenda item on which it is presented.
- (b) Nothing in this section shall require the board to hear or receive any oral or documentary evidence from a person on any matter which is the subject of another proceeding pending subject to the hearings relief, declaratory relief, or rule relief provisions of chapter 16-201.
- (c) Nothing in this section shall prevent the board from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the board on any particular matter on the board's agenda. [Eff and comp 10/31/86] (Auth: HRS §§92-3, 471-14) (Imp: HRS §92-3)

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendments and Compilation of Chapter 16-101
and Repeal of Chapter 16-166
Hawaii Administrative Rules
September 26, 1986

SUMMARY

1. Title amended.
2. §§16-101-1 and 16-101-2 are amended.
3. §§16-101-4 and 16-101-5 are amended.
4. §16-101-6 is added.
5. §§16-101-7 and 16-101-8 are amended.
6. §§16-101-11 and 16-101-12 are amended.
7. §16-101-13 is repealed.
8. §16-101-16 is amended.
9. §16-101-17 is repealed.
10. §16-101-22 is amended.
11. §16-101-26 is amended.
12. §16-101-27 is added.
13. §16-101-29 is repealed.
14. §§16-101-29.1 and 16-101-30 are added.
15. §16-101-31 is amended.
16. §16-101-33 is amended.
17. §16-101-35 is amended.
18. §16-101-36 is repealed.
19. §§16-101-42 and 16-101-43 are added.
20. Chapter 101 is compiled.
21. Chapter 16-166 is repealed.